

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

- 1 Page 101, line 7, delete " 2002" and insert "2003".
- 2 Page 101, delete lines 28 through 30.
- 3 Page 101, line 31, delete "(2)" and insert "(1)".
- 4 Page 101, line 32, after "2003," insert "**do not**".
- 5 Page 101, line 34, delete "(3)" and insert "(2)".
- 6 Page 101, line 35, after "2004," insert "**do not**".
- 7 Page 103, between lines 35 and 36 begin a new paragraph and insert:
- 8 "SECTION 73. [EFFECTIVE UPON PASSAGE] **(a) The**
- 9 **definitions in IC 6-1.1-1 apply throughout this SECTION.**
- 10 **(b) For purposes of this SECTION, "rental property" means**
- 11 **real property that:**
- 12 **(1) does not consist of:**
- 13 **(A) a single family dwelling; or**
- 14 **(B) a single family dwelling and the land on which the**
- 15 **dwelling is located;**
- 16 **(2) consists of:**
- 17 **(A) improvements assessed as residential property under**
- 18 **rules of the department of local government finance; or**
- 19 **(B) improvements described in clause (A) and the land on**
- 20 **which the improvements are located; and**
- 21 **(3) during more than one-half (1/2) of the year beginning on**
- 22 **March 2, 2001, and ending on March 1, 2002, was:**
- 23 **(A) leased to or partially leased to another entity by the**
- 24 **owner; or**
- 25 **(B) vacant and:**
- 26 **(i) available for lease; or**
- 27 **(ii) under construction or renovation to make the**
- 28 **property available for lease.**
- 29 **(c) Notwithstanding IC 6-1.1-15-1 as amended by this act, a**

1 taxpayer may obtain a review under that section by the county
 2 property tax assessment board of appeals of the township
 3 assessor's assessment of the taxpayer's rental property for the
 4 March 1, 2002, assessment date.

5 (d) Notwithstanding IC 6-1.1-4-37, as added by this act, and
 6 IC 6-1.1-4-34, a taxpayer may appeal to the Indiana board of tax
 7 review under IC 6-1.1-4-37 or IC 6-1.1-4-34 the assessment by the
 8 department of local government finance of the taxpayer's
 9 homestead for the March 1, 2002, assessment date.

10 (e) To obtain the review under subsection (c), the taxpayer
 11 must, in the manner provided by IC 6-1.1-15-1, as amended by
 12 this act, file a written request for a preliminary conference with
 13 the township assessor of the township in which the rental property
 14 is located not later than:

15 (1) forty-five (45) days after notice of the assessment is given
 16 to the taxpayer;

17 (2) forty-five (45) days after the taxpayer receives a tax
 18 statement for the property taxes that are based on the
 19 assessment date for 2002; or

20 (3) May 1, 2004;

21 whichever is the latest.

22 (f) To appeal under subsection (d), the taxpayer must file a
 23 petition with the assessor of the county in which the rental
 24 property is located not later than:

25 (1) thirty (30) days after notice of the assessment is given to
 26 the taxpayer; or

27 (2) May 1, 2004;

28 whichever is later.

29 (g) An assessment determination by:

30 (1) the county property tax assessment board of appeals that
 31 results from a review under subsection (c) is subject to
 32 appeal to the Indiana board of tax review; or

33 (2) the Indiana board of tax review that results from an
 34 appeal under subsection (d) is subject to appeal to the tax
 35 court;

36 under IC 6-1.1-15.

37 (h) An assessment change that results from a review under
 38 subsection (c) or an appeal under subsection (d) applies for
 39 property taxes first due and payable in:

40 (1) 2003; and

41 (2) each subsequent year in which property taxes are not

1 **based on a new assessment determined under IC 6-1.1, as**
2 **amended by this act.**

3 **(i) This SECTION expires January 1, 2006."**

4 Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed November 21, 2003.)

Senator CRAYCRAFT